

**United States Bankruptcy Court
Central District of California**



**COMPLAINT
PROCEDURES**

February 2005

COMPLAINT PROCEDURES

A. Overview

Currently, only an adversary which is filed as an **original proceeding** may be submitted through *eFile*. All you need is the complaint and any relevant attachments and/or exhibits scanned into a single Portable Document Format (PDF) file. You will also need to upload the complaint to complete the electronic filing.

An “Adversary Proceeding Sheet” and “Summons and Notice of Status Conference” will be generated using your name, address, and telephone number, which you provided during the *eFile* registration process. If there have been changes to this information, it is important that your registration be updated prior to beginning the filing. (See section B.1.b. below.)

NOTE: Complaints accompanied by Temporary Restraining Orders, emergency injunctions, and emergency or *ex parte* motions should be submitted to the Intake section of the divisional office where the main case is pending.

You are not required to submit courtesy copies of your *eFile* complaints to chambers.

B. Before You Begin

1. Registration

- a. If your *eFile* **registration is current**, skip to section C. on page 2 to electronically file your complaint.
- b. If your *eFile* **registration is not current**, you will need to update it, and wait 10 minutes before you begin the complaint filing process. (Refer to the “Update Registration” section of the *Registration Procedures* for instructions.)

2. You will need to convert the complaint (pleading) and all supporting documentation to a PDF file before submitting the filing.

C. How to eFile Your Complaint

1. At the *eFile* Main Menu, select **Complaint (Adversary)** from the Filing Options drop-down menu. (See red box in Figure 1 below.)

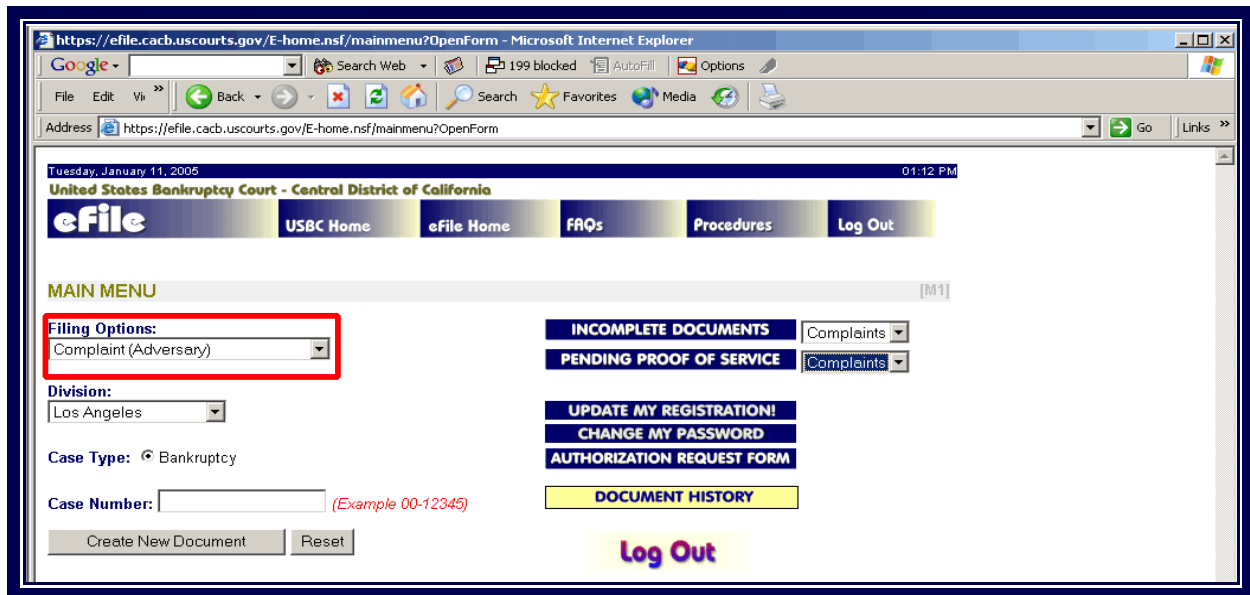


Figure 1

2. Select the division where the bankruptcy case is pending.
3. Enter the **case number** using the example format. Press **<Enter>**, or click on **Create New Document**. If an error was made when entering the case number, click on **Reset** to remove all information entered in the case number field; then re-enter the correct case number.

The “Adversary Proceeding Sheet” will appear with your name, address, State Bar ID number, and telephone number under the primary plaintiff’s attorney. Please verify the accuracy of this information.

NOTE: If this information is not correct, update your registration. Please see section B.1.b. on page 1.

4. Click on Plaintiff **Add/Edit**, and a dialog box will open for you to enter general information for the primary plaintiff.
 - a. Select the **correct party type** for the plaintiff using the drop-down menu. The filing fee is determined by your selection.

NOTE: If you select “Creditor” as the primary party type, indicate whether the plaintiff is a child support creditor.

- b. Indicate whether the plaintiff is a non-individual (N) or individual (I).

NOTE: Whenever you select “Debtor” or “Debtor in Possession” as a party type, the name and address fields will automatically populate with information from the Court’s Case Management System (CMS) and will default to either (N) or (I) based on our records. If you change the default setting from (N) or (I), the debtor’s name will be cleared from the name field.

- c. Enter only the **party’s name** in the appropriate format. **DO NOT** enter titles such as “trustee” in the name fields. **DO NOT USE ANY PUNCTUATION MARKS SUCH AS COMMAS.** (This only applies to the “Adversary Proceeding Sheet.”)

- (1) **Example 1 - Non-individual (N):** The non-individual’s name is “American Business, LTD.” Enter only the following:

Name field: American Business LTD

- (2) **Example 2 - Individual (I):** The individual’s name is “Joe Jones,” and his title is “Panel Trustee.” Enter only the following:

Last name field: Jones

First name field: Joe

- d. If the debtor or debtor in possession is not the primary plaintiff and has an attorney, the attorney’s information will automatically populate from the Court’s CMS. To change the attorney, click on **Remove**, then click on **Add** and enter the **attorney information**. If you need to add an attorney for any party type, select **Add Attorney** and enter the **attorney information**. The firm name and fax number are the only optional attorney information fields.
- e. If you have an internal reference number, you may enter it in the “Filer’s Internal Reference # (Optional)” field.
- f. Inserting Address Information

NOTE: **eFile will only accept complete addresses.**

- (1) Enter the **address**. In the “State” field, you may make a selection from the drop-down menu; or enter the first letter of the state, and a selection will be made for you. If you need to change the selection, use the drop-down menu.

- (2) **Bypass the address fields for a foreign address.** Include the complete address of the party on your Proof of Service.
- g. If you need to add any aliases, click on Aliases **Add**, enter the **alias name**, click on **(N)** or **(I)**, and select the **alias type** from the drop-down menu. You may enter a maximum of three aliases.
- NOTE:** Click on **Remove** to delete any alias information you entered.
- h. **Review, and if necessary, edit the entered information for the primary plaintiff.** Click on **OK** to save the entered information.
- NOTE:** Click on **Cancel** to delete the entered information.
- i. If you need to edit any party's information, click on the corresponding **Add/Edit** button for the primary parties or **Edit** button for the other parties. In addition to the primary parties, a maximum of five additional plaintiffs may be entered using *eFile*. If the number of parties exceeds the above, contact the *eFile* Support Center at (213) 894-2365 for further instructions. **All parties must be listed on the complaint (pleading).**
- j. The "PARTY" field on the "Adversary Proceeding Sheet" indicates whether or not the United States is a party to the action. Select the appropriate box.
5. Click on Defendant **Add/Edit**, and a dialog box will open for you to enter general information for the primary defendant. Use the same steps to add the primary defendant as you would for the primary plaintiff (see step 4 on pages 2-4) with the following difference:
- a. If you need to edit any party's information, click on the corresponding **Add/Edit** button for the primary parties or **Edit** button for the other parties. In addition to the primary parties, a maximum of five additional defendants may be entered using *eFile*. If the number of parties exceeds the above, contact the *eFile* Support Center at (213) 894-2365 for further instructions. **All parties must be listed on the complaint (pleading).**
6. Check the applicable "Nature of Suit" box(es). If you select **498 (Other)**, enter a **brief statement** in the "Cause of Action" field (200 character maximum). The "Cause of Action" field is optional for all other "Nature of Suit" selections.
7. Check the "Class Action" box if applicable.

8. Enter the **monetary amount sought** in the “Demand” field. The amount must be in the nearest thousand. For example, enter **5** for \$5,000 and **10** for \$10,000. If no monetary demand is made, then enter **0** or **XXXX** if another type of relief is sought. The “Other Relief Sought” field is optional unless **XXXX** is entered in the “Demand” field.

9. If you are making a Jury Demand, check the box.

NOTE: Information regarding the applicable bankruptcy case will populate from the Court’s CMS. If there is a related adversary proceeding, enter the information in the applicable fields.

10. Verify that the information on the “Adversary Proceeding Sheet” is correct. **Ensure that the filing fee selection is accurate.**

NOTE: **Incorrect fee selection will result in non-refundable credit card charges.**

11. If you decide at any time while completing the “Adversary Proceeding Sheet” that you would like to save it and return to it at a later time, click on **Save Adversary Proceeding Draft**. A message confirming that your draft has been saved will appear. Your draft will be saved in **INCOMPLETE DOCUMENTS** and may be accessed from the *eFile* Main Menu.

12. Scroll down to the bottom of the page. To attach the complaint PDF file, click on **Browse** and locate the file in your computer. (See red box in Figure 2 below.)

Address: <https://efile.cacb.uscourts.gov/complaint.nsf/Adversary?OpenForm&u=efiletester&o=2&c=40-20017&j=BB&d=E%20FILE,%20TEST%20BB&h=7>

FILING FEE	FEE REQUIRED
DATE 01/11/2005	PRINT NAME
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /S/	

DO NOT INCLUDE A SUMMONS AND NOTICE OF STATUS CONFERENCE WITH YOUR COMPLAINT. THE COURT WILL PREPARE ONE FOR YOU.

You are (1) submitting a complaint accompanied by an Adversary Proceeding Sheet (B 104), for filing with the Clerk of the United States Bankruptcy Court for the Central District of California, using the Court's *eFile* system under Federal Rule of Bankruptcy Procedure 5005(a) and Amended General Order 02-01, (2) electronically signing the complaint and Adversary Proceeding Sheet with the signature of the registered user under the currently logged in username and password; and (3) authorizing the Court to process the charge to the credit card designated on the registered user's registration form, if a fee is required to file the complaint.

On complaints that require a fee, if the credit card issuer declines the transaction, the Court will not accept your electronic filing. Your document will be temporarily stored without the PDF attachment under the section entitled **INCOMPLETE DOCUMENTS** located under the *eFile* Main Menu. You must update your registration with valid credit card information prior to resubmitting your document. After updating your registration, you should wait at least 15 minutes before attempting to resubmit the complaint. It is your responsibility to maintain accurate credit card information.

Warning! Please ensure that the PDF file you are uploading is for the complaint you are submitting for filing. You will have no further opportunity to change your PDF attachment if you continue.

Click on the **SUBMIT** button to submit your complaint for filing with the Court; or to save this document as a draft, click on the **SAVE DRAFT ADVERSARY** button.

Please attach/upload the PDF file of the Complaint: **Browse...**

Figure 2

13. Click on **Submit**. A dialog box will appear. If you decide to make any changes, click on **Cancel** to return to the form and make the appropriate changes. If you are certain that you wish to submit your complaint as is, click on **OK** to process.

NOTE: If a filing fee is required, it will be collected when you click on **OK**.

It may take a few minutes to complete processing. A message confirming your submission will appear. Print and save the confirmation for future reference.

14. After the complaint has been processed by the *eFile* Administrator, you will receive a confirmation e-mail with a link to the conformed PDF copy of your electronically filed complaint. (See Figure 3 below.) Click on the **link** to view and print the complaint, the “Adversary Proceeding Sheet,” the issued “Summons and Notice of Status Conference,” and all applicable documents (the complaint package). If you are not already logged into *eFile*, you will be prompted to do so.

Dear eFile Tester:

Your Summons and Notice of Status Conference and Proof of Service has been successfully filed with the Court.

Transaction ID is: [20021113001845]

Please click on the link below to retrieve and print your conformed copy of the document. If you are not already logged in, you will be prompted to enter your username and password.

[http://156.131.158.41/e.nsf/PDF+Files/20021113001845.pdf/\\$FILE/20021113001845.pdf](http://156.131.158.41/e.nsf/PDF+Files/20021113001845.pdf/$FILE/20021113001845.pdf)

If you are unable to retrieve the document using your e-mail link, return to the eFile Main Menu; click on the DOCUMENT HISTORY button; locate the Transaction ID for this filing on the “Filed” list and click on it.

Adobe Acrobat Reader software is required to view the PDF document. You may download a free copy of Adobe Acrobat Reader from <http://www.adobe.com/prodindex/acrobat/readstep.html>

Thank you for using eFile.

Please do not reply to this message. If you have any questions regarding this e-mail, call the eFile Support Center at (213) 894-2365, Monday through Friday, 9:00 a.m. to 4:00 p.m., (excluding federal holidays).

Figure 3

15. If you are unable to retrieve and print the complaint package using the link in the e-mail, return to the *eFile* Main Menu, click on **DOCUMENT HISTORY**, then click on **Filed**. Locate your document using the Transaction ID from the e-mail. (It may also be found in the message confirming your submission.) Double-click on the **Transaction ID** to retrieve the complaint package.
16. You must serve an unaltered copy of the complaint package as required under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Bankruptcy Rules. If the complaint is incorrect or defective, please contact the *eFile* Support Center at (213) 894-2365, Monday through Friday, 9:00 a.m. to 4:00 p.m., (excluding federal holidays), for further instructions.

D. How to eFile Batch Complaints

1. Oftentimes, an attorney may file more than one complaint for the same debtor that contains virtually the same information except the defendant's name and the amount of the suit. *eFile* has a "batch" feature that allows you to complete repetitive filings for the same debtor with minimal work.
 - a. After performing steps 1 through 13 on pages 2-6, you will receive a message confirming your submission. At the bottom of the message, a box entitled *Create New Adversary from Previous Submission* will appear. Click on this box to submit a new complaint for the same debtor. (See green box Figure 4 below.)

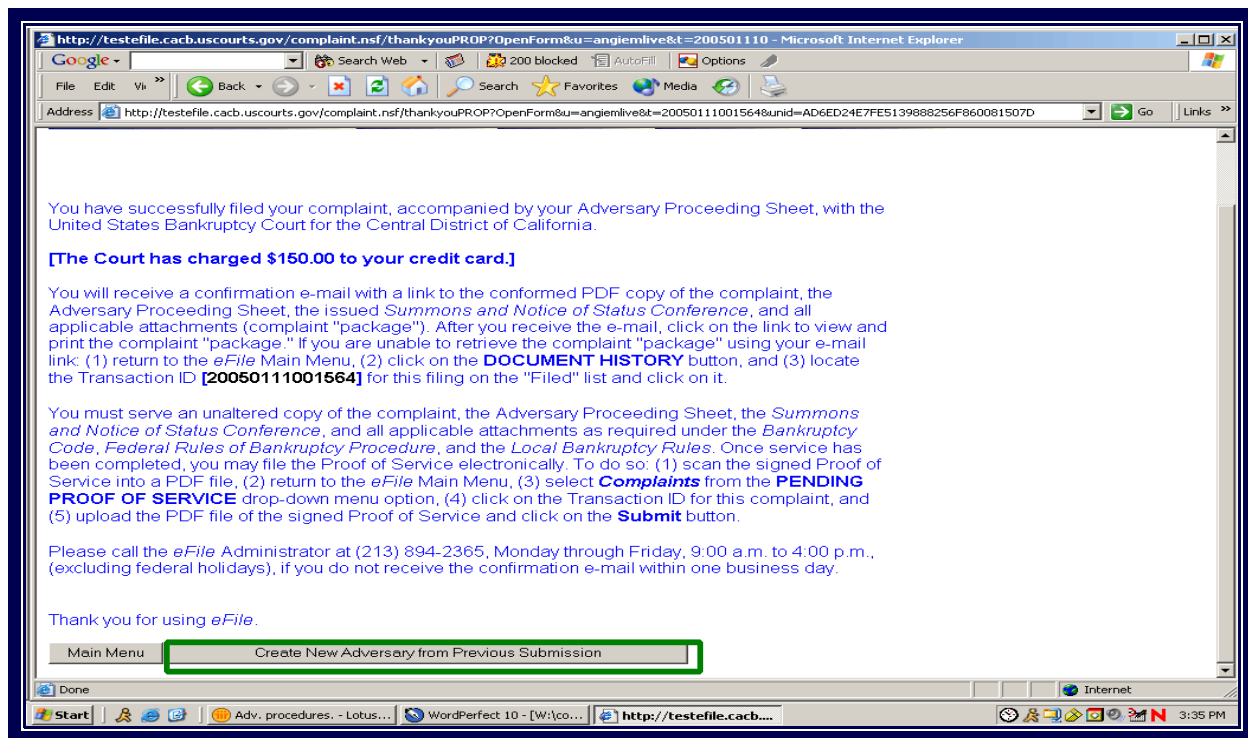


Figure 4

- b. The system will return you to the “Adversary Proceeding Sheet” containing the same information. You may edit the applicable fields by clicking in the field, deleting the old information, and entering data for the new complaint.
- c. Follow steps a. and b. above until you have completed the submission of all adversary proceedings for the same debtor.

E. How to eFile Your Proof of Service

- 1. Once service has been executed, you may file the Proof of Service electronically. To do so, scan the Proof of Service into a PDF file. The caption on the face page of your PDF file needs to reference “Summons Service Executed” and list the items included in the file upload.
- 2. From the *eFile* Main Menu, select **Complaints** from the **PENDING PROOF OF SERVICE** drop-down menu. Click on the **Transaction ID**. The Summons will appear. Scroll down to the bottom of the page, and attach your Proof of Service PDF file using the **Browse** button. When you click on **Submit**, a dialog box will appear. Click on **OK** to process the Proof of Service. A message confirming your submission will appear. Print and save the confirmation for future reference.
- 3. You will receive a confirmation e-mail with a link to the conformed copy of your Proof of Service. Click on the **link** to view and print the copy. If you are unable to retrieve and print the conformed copy of your Proof of Service using the link in the e-mail, return to the *eFile* Main Menu, click on **DOCUMENT HISTORY**, then click on **Filed**. Locate your document using the Transaction ID from the e-mail, and double-click on the **Transaction ID** to retrieve it. Documents in your **DOCUMENT HISTORY** will be purged after 30 days, and the links provided will no longer work.

NOTE: Documents that are not eligible to be filed using the Court’s *eFile* system must be timely submitted to the Clerk’s Office in the division where the adversary proceeding is pending (i.e., Amended Complaints, Alias Summons, etc.).